

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1, 5, 6, 12 and 15 are currently pending in this application. Claims 2-3 have been cancelled. No new matter has been added by way of the present amendment. For instance, the amendments to claims 1, 12 and 15 are supported by previously presented claims 2 and 3, now cancelled, as well as the Specification at, for example, page 14, lines 16 to 20. Accordingly, no new matter has been added.

At the outset, the present application is believed to be in condition for allowance. Entry of this amendment is requested under 37 C.F.R. §1.116, as the amendment raises no new issues which would require further search and/or consideration by the Examiner. Alternatively, Applicants request entry of the amendment in order to place the claims in better form for consideration on Appeal.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Issues Under 35 U.S.C. 103(a)

The Examiner maintains the previous rejection of claims 1-3 and 5-6 under 35 U.S.C. 103(a) as being obvious over Jenkins et al. (U.S. 5,637,143) (hereinafter Jenkins '143) in view of Schmid et al. (U.S. 5,364,467) (hereinafter Schmid '467) in further view of Mei et al. (U.S. 6,894,089) (hereinafter Mei '089). Additionally, the Examiner maintains the previous rejection of claims 12 and 15 as being obvious over Jenkins '143 in view of Schmid '467, Mei '089 and Shimizu et al. (U.S. 4,842,837) (hereinafter Shimizu '837). Applicants respectfully traverse.

The present claims require a molybdenum coat comprising a molybdenum oxide and/or a molybdenum hydrate (see, e.g., claims 1, 12 and 15). The Examiner argues that a coat formed by phosphomolybdic acid in Jenkins corresponds to the molybdenum coat of the present invention. Thus, according to the Examiner, the coat of Jenkins includes a molybdenum oxide. The Examiner admits that Jenkins does not disclose that the coat is covered with silica, and relies on Schmid to cure the deficiencies of Jenkins.

In the Office Action of March 17, 2009, the Examiner argued that “it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to treat the pigment with silica, motivated by the fact that Schmid et al., also drawn to surface treated aluminum pigment, disclose that the pigment treated with metal oxide such as silica after coated with molybdenum oxide has distinctly improved resistance to outside influences (col. 3, lines 26-29)” (see page 3, lines 5 to 9 of the Office Action). Applicants respectfully disagree and submit that Schmid does not in any way teach or suggest coating with molybdenum oxide.

The Examiner’s attention is respectfully directed to col. 3, lines 3-11 of Schmid, where this reference discloses:

“The second, nonselectively absorbing layer (B) consists essentially of carbon, metals, in particular those which can be applied by gas phase decomposition of volatile compounds, such as, in particular, iron, also cobalt, nickel, chromium, molybdenum and tungsten, or black metal oxides, in particular magnetite but also nickel oxide, cobalt oxide (CoO, Co₃O₄) and vanadium oxide (VO₂, V₂O₃) and also mixtures thereof, in particular iron with magnetite.”

As is clear from the above disclosure, Schmid does not refer to molybdenum as an example of black oxides, but only refers to molybdenum as an example of a metal. Schmid is

thus totally silent with regard to the formation of a layer of a metal oxide layer specifically comprising molybdenum oxide.

Further, while Schmid may disclose a method of forming metals (metal layers) or metal oxides (metal oxide layers) (*see* column 3, line 49), Schmid merely teaches the use of molybdenum in the form of molybdenum hexacarbonyl (*see* column 4, line 32). Molybdenum hexacarbonyl is a material used to form metal layers, not a material for metal oxide layers. Schmid simply does not teach or suggest the use of molybdenum as a material used in the formation of metal oxides/metal oxide layers.

Evidently, Schmid does not teach or suggest a molybdenum coat comprising a molybdenum oxide and/or a molybdenum hydrate as presently claimed. As such, even if Schmid discloses coating with silica, Schmid still does not disclose or suggest that a layer of molybdenum oxide is coated with said silica. Therefore, those skilled in the art would not be motivated to coat the molybdenum coat of Jenkins with silica, based on the teachings of Schmid.

In view of the above, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Vanessa Perez-Ramos, Registration No. 61,158 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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